

### ***Remarks***

Reconsideration of the application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-9 and 11-17 are pending in the application, with claims 1, 5, 16 and 17 being the independent claims. Applicant would like to thank the Examiner for the informal telephonic interview conducted on August 16, 2004. During the informal interview, the reasons for withdrawing the case from allowance were discussed.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Drawings***

The Office Action states that the drawings must be corrected in accordance with the comments of the USPTO draftsman. On August 10, 2004, Applicant's Representative confirmed with Examiner Nolan that the formal drawings were submitted on December 16, 2003.

### ***Rejections Under 35 U.S.C. § 112***

On page 2 of the Office Action, the Examiner rejects claims 5-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Actions asserts that the phrases "a crystallized length of the bottleneck portion" and "crystallized bottleneck portion" are indefinite. Applicant has amended claims 1 and 16 to more clearly define what is meant by "a

crystallized length of the bottleneck portion." Applicant has also amended claims 5 and 17 to remove the phrase "crystallized bottleneck portion."

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

***Rejections Under 35 U.S.C. § 103***

The Office Action on page 4, in section 8, rejects claims 1-4, 11-12, and 16 under 35 U.S.C. § 103(a) are being unpatentable over U.S. Patent No. 4,591,060 to Tsukada et al. The Office Action asserts that Tsukada teaches all of the features of claims 1-4, 11-12, and 16 except that the crystallized portion of the neck has a length of 0.5 to 35 mm. The Office Action further asserts that it would have been obvious to one having ordinary skill in the art to crystallize any suitable portion of the length of the neck of Tsukada's bottle so that the neck can better resist deformation during subsequent processing. Applicant respectfully traverses this rejection because the Office Action fails to establish a *prima facie* case of obviousness.

Amended claim 1 recites a crystallized bottleneck of a polyester beer bottle, wherein a flanged ring is provided to said crystallized bottleneck of the polyester beer bottle, the crystallized bottleneck has no machined screw thread, and ***wherein a crystallized length of the bottleneck portion extends beyond the flanged ring and is in a range of 0.5-35 mm.*** In an exemplary embodiment of the invention, the crystallized bottleneck of the polyester beer bottle is provided with a flanged ring 2. See, e.g., Figure 2; Sub. Spec., page 4, lines 18-20. Referring to Figures 1-3, for example, the crystallized bottleneck of the polyester beer bottle may be produced by heating and shaping the bottleneck portion at a high temperature after the uncrystallized blank

is delivered to the crystallizer. The resulting crystallized bottleneck has no machined thread and the crystallized bottleneck has a length L of 0.5-35 mm. See, e.g., Sub. Spec., page 4, lines 5-9.

The Office Action fails to establish a *prima facie* case of obviousness because Tsukada does not teach the recited crystallized bottleneck. Instead, Tsukada teaches a blow-molded container in which the upper part of the neck section is formed thicker than the intermediate section, and the upper half part is formed thicker than the lower half part of the upper part. See, Tsukada, Abstract. The upper part of the neck section of the container is crystallized **on the surface** so that the cap can be secured and precisely tightened to the bottle-shaped container. See, Tsukada, col.4, lines 16-19. In such a container where the upper part section of the container is crystallized **on the surface**, the crystallized length of the bottleneck portion does not **extends beyond the flanged ring** and is not **in a range of 0.5-35 mm**. Accordingly, claim 1 is allowable because Tsukada does not teach the features of claim 1 and the Office Action therefore fails to establish a *prima facie* case of obviousness.

Claims 2-4 and 11-12 depend directly or indirectly from claim 1 and are allowable as being depend from an allowable.

Claim 16 contains similar features as claim 1 and are allowable for similar reasons as discussed above with respect to claim 1.

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

The Office Action on pages 4-5, in section 9, rejects claims 1-3, 11 and 16 under 35 U.S.C. § 103(a) are being unpatentable over U.S. Patent No. 6,012,597 to Nishihara et al. The Office Action asserts that Nishihara teaches all of the features of claims 1-3, 11 and 16 except

that the crystallized portion of the neck has a length of 0.5 to 35 mm. The Office Action further asserts that it would have been obvious to one having ordinary skill in the art to crystallize any suitable portion of the length of the neck of Nishihara's bottle so that the neck can better resist deformation during subsequent processing. Applicant respectfully traverses this rejection because the Office Action fails to establish a *prima facie* case of obviousness.

Amended claim 1 recites a crystallized bottleneck of a polyester beer bottle, wherein a flanged ring is provided to said crystallized bottleneck of the polyester beer bottle, the crystallized bottleneck has no machined screw thread, and *wherein a crystallized length of the bottleneck portion extends beyond the flanged ring and is in a range of 0.5-35 mm*. In an exemplary embodiment of the invention, the crystallized bottleneck of the polyester beer bottle is provided with a flanged ring 2. See, e.g., Figure 2; Sub. Spec., page 4, lines 18-20. Referring to Figures 1-3, for example, the crystallized bottleneck of the polyester beer bottle may be produced by heating and shaping the bottleneck portion at a high temperature after the uncrystallized blank is delivered to the crystallizer. The resulting crystallized bottleneck has no machined thread and the crystallized bottleneck has a length L of 0.5-35 mm. See, e.g., Sub. Spec., page 4, lines 5-9.

The Office Action fails to establish a *prima facie* case of obviousness because Nishihara does not teach the recited crystallized bottleneck. Instead, Nishihara teaches a crystallized **opening cap** portion 29 for blowing heated air into the body of the container. See, Nishihara, col. 6, lines 4-5. Such an opening cap is not a bottleneck as is recited in claim 1. Therefore, the opening cap portion of Nishihara does not have a crystallized length of the bottleneck portion *that extends beyond the flanged ring and is in a range of 0.5-35 mm*. Accordingly, claim 1 is

allowable because Nishihara does not teach the features of claim 1 and the Office Action therefore fails to establish a *prima facie* case of obviousness.

Claims 2-3 and 11 depend directly from claim 1 and are allowable as being depend from an allowable.

Claim 16 contains similar features as claim 1 and are allowable for similar reasons as discussed above with respect to claim 1.

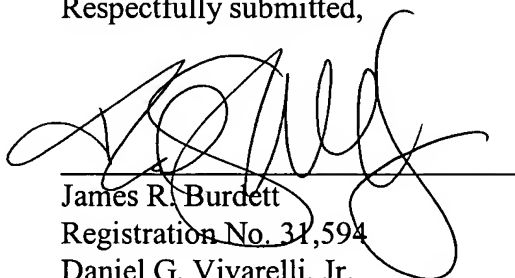
In view of the above, Applicant respectfully requests that this rejection be withdrawn.

### *Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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